THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos.17719, 17721, 17722, 17725, 17726, 17857, 17858, 17859, 17883, 17884, 17887 and 17888 of 2005

Common Order:

Since the facts involved in all these writ petitions are identical, they are being disposed of by this common order.

The petitioners, who are working as N.M.Rs with the respondents-Girijan Corporation Limited, had earlier filed a writ petition in W.P. No.15670 of 1994 seeking direction to regularize their services in terms of G.O. Ms. No.212, dated 22.04.1994, and this Court, while admitting the said writ petition, granted interim orders directing the 2nd respondent-Corporation to continue the petitioners in service, pending disposal of the writ petition. Finally the said writ petition was disposed of directing the respondents-Corporation to consider the cases of the petitioners for regularization of their services in terms of G.O. Ms. No. 212 and take appropriate decision in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of that order, and *status-quo* obtaining as on that date, in so far as the services of the petitioners should be maintained till their cases are considered. In pursuance of the said directions, the 2nd respondent-Corporation has passed the present impugned order, which is self- explanatory, explaining the reasons for not regularizing the services of the petitioners and rejecting their claims. It is this order, which is subject matter of this writ petition.

A counter affidavit was filed by the respondent-Corporation *inter alia* stating that pursuant to the orders of this Court, the cases of the petitioners and others, were considered by the respondents-Corporation and the present impugned order was passed, rejecting the

claim of the petitioners, and no interference is called for therewith. It is further stated that the petitioners were being continued as daily wage workers only because of the interim orders passed by this Court, and in fact the Corporation is not in a position to regularize the services of the petitioners and other N.M.Rs. as it is not viable. The respondents-Corporation retired more than 400 employees from its rolls because there is not only excess manpower, but the Government has also reduced the staff subsidy to a tune of 50%, and the Corporation is not in a position to bear the huge financial burden that it would incur if the petitioners and other MNRs are regularized.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Corporation.

The main contention of the learned counsel for the petitioners is that all the petitioners are working in the 2nd respondent-Corporation for several years and rejection of their claims for regularization of their services at this stage is bad. During the pendency of the writ petition, it seems the respondents-Corporation has issued Circular dated 11.08.2006 engaging the services of suitable educated local Scheduled Tribe candidates on contract basis to work as Salesmen at DR Depots for one year. In the very same circular, the respondents-Corporation have considered the cases of the petitioners and others, and stated that the individuals whose writ petitions were disposed of and offered their candidature for selection, shall be given preference for consideration, and the candidature of individuals whose writ petitions are pending before this Court can also be considered and preference will be given to them to the present contract appointments subject to the condition of their withdrawing the cases pending before this Court.

Subsequent to issuance of said Circular, the petitioners filed applications in W.P.M.P. Nos.22868, 22909, 22815, 23008, 22808,

22812, 22595, 22596, 22813, 22814, 22807, 22809 of 2006 respectively seeking the following relief.

> "to direct the 2nd respondent-Corporation to forthwith appoint the petitioner, as salesmen under the control of the 3rd respondent, in one of the existing vacancies as notified in proceedings dated 11.08.2006 in Rc.No.329/2006/Admn.1 on the file of the 2nd respondent, without prejudice to his rights to get regularization, pending disposal of the above writ petition."

Learned Standing Counsel for the respondents-Corporation submits that the Corporation is established for the welfare of the tribal community in the State of A.P., and now the Government has entrusted distribution of essential commodities in tribal areas and procurement of MFP and surplus agricultural produce from the tribals to the respondents-Corporation, which is not a permanent phenomenon, and since for running the D.R. Depots, they needed some persons, the respondents-Corporation by circular dated 11.08.2006 resolved to take local educated Scheduled Tribe candidates on contract basis for a period of one year, and even though the orders of the Government does not indicate that the cases of the petitioners have to be considered, yet the respondents-Corporation, had considered the cases of the petitioners and others, and vide Circular dated 11.08.2006, noted that the individuals whose writ petitions were disposed of and offered their candidature shall be given preference for consideration and the candidature of those individuals whose writ petitions are pending before this Court can also be considered and given preference subject to their withdrawing the cases pending before this Court and seeking to work as per the contract.

However, after hearing at length, learned counsel for the petitioners as well as the learned Standing Counsel for the respondent-Corporation agreed for disposal of the writ petitions with the following direction.

The respondent-Corporation is directed to consider the cases of

the petitioners for filling up the present vacancies on contract basis as per the Circular dated 11.08.2006, and the rest of the vacancies will be filled up with the general candidates, and in future, if any permanent vacancies arise, the cases of the petitioners shall be considered on priority basis.

With the above direction, the writ petitions are disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.09.2006
Nsr/Ksr